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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,374	07/01/2003	Ki Rin Sung	DE-1489	3709
7590	07/14/2005		EXAMINER	
David A. Einhom, Esq. Anderson Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,374	<b>Applicant(s)</b> SUNG, KI RIN	
	<b>Examiner</b> Noah C. Hawk	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |



## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Typos and/or misspellings: on page 1 line 10 "with a comparatively" should be "with comparatively" and page 1 line 21 "slided" should be "sliced."

a. Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: on page 2, line 12 and page 3, line 6, a reference is made to "cover 50" which is not shown in Figure 1. On page 7, line 25 and page 8, line 6, a reference is made to "hinge assembly 60" which is not shown in Figure 4. On page 9, line 19, a reference is made to "insulated wall 16" which is not shown in Figure 5. On page 10, line 2 a reference is made to "cover 50" which is not shown in Figure 5. On page 10, line 12, a reference is made to "cover 50a" which is not shown in Figure 5. On page 11, lines 21 and 23 and on page 12 lines 2 and 4, a reference is made to "cover 50" which is not shown in Figure 6. On page 11, line 23, a reference is made to "guide surface 156" which is not shown in Figure 6. On page 11, line 24, a reference is made to "latch slot 158" which is not shown in Figure 6. On page 12, line 5, a reference is made to "insulated wall 16" which is not shown in Figure 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

b. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The statement "the rest of end portions of the pair of the first hinge axles and the pair of second hinge axles" suggests that the same ends are both inserted into the brackets and the plates, which is not possible. Further, the language of "inserted into the openings of the pair of plates further through the openings formed in said two opposite sides" is indefinite because it appears to suggest that there are openings within openings. The language of lines 11-16, page 13 is vague and does not distinctly point out how the pairs of first and second hinge axles and the pair of plates are arranged on the cover. Based on the language included, the two first hinge axles

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could be on the same side and the second pair could be on the opposite side and the pair of plates seems to be attached on the same side as one another. In addition, the language of lines 17-20, page 13, indicates that all of the distal portions of the first and second hinge axles engage the same two brackets. Correction is required.

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of lines 3-5, page 15, appears to indicate that all of the distal portions of the first and second hinge axles engage the same two brackets. The term "closer to a front portion of each of the covers" in claim 6 is a relative term which renders the claim indefinite as the front portion of the cover is relative to where the user is standing. Correction is required.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "horizontally extended" in claim 8 is a relative term which renders the claim indefinite as the horizontal direction of the bracket is relative to the angle at which it is mounted. Correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 6 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by the applicant's disclosed prior art. In the Background of the Invention, the applicant discloses a pan holder (page 1, line 19), surrounded by an insulated wall (page 2, line 3), using 2 brackets per cover (page 3, lines 9-11), which have a slanted guiding surface (Fig 2, #46) for guiding a first hinge axle, the cover having two opposite sides (see Figure 1), a pair of first hinge axles (Fig 1, #26b), and a pair of second hinge axles (Fig 1, #26a).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art in view of Roberts. In the Background of the Invention, the applicant discloses a pan holder (page 1, line 19), surrounded by an insulating wall

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(page 2, line 3), using 2 brackets per cover (page 3, lines 9-11), the cover having two opposite sides (see Figure 1), a pair of first hinge axles (26b), and a pair of second hinge axles (26a). The applicant's disclosed prior art does not disclose a pair of plates. Roberts discloses a reinforcing plate (38) mounted on the inside of a cover (106) with a hinge. It would be obvious to one of ordinary skill in the art at the time of invention to add a plate as disclosed by Roberts to the hinge assembly of the prior art in order to reinforce the area around the hinge assembly, and further to do so in two places in the case where there are two hinges per cover assembly.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 1 above. The disclosed prior art teaches an upper case (30) and a lower case (10) with a rivet screw. Roberts teaches a reinforcing plate (38) mounted on the inside of a cover (106) with a hinge. Neither the disclosed prior art nor Roberts shows at least one burring tap. It is well known in the art that rivet screw couplings and tapped holes are equivalent fastening alternatives. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the prior art and Roberts by substituting the rivet screw couplings with a tapped hole in order to ease manufacture of the part and provide a more secure connection.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 1 above, and further

in view of Miller. The disclosed prior art, modified by Roberts, does not show the bottom surface of each cover as being a reflective surface. Miller teaches a reflective bottom surface (27a) on covers above containers of food (see lines 20-23, page 2, column 2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior art and Roberts to include reflective surfaces on the bottom of each cover as taught by Miller in order to see the contents of the pans more easily.

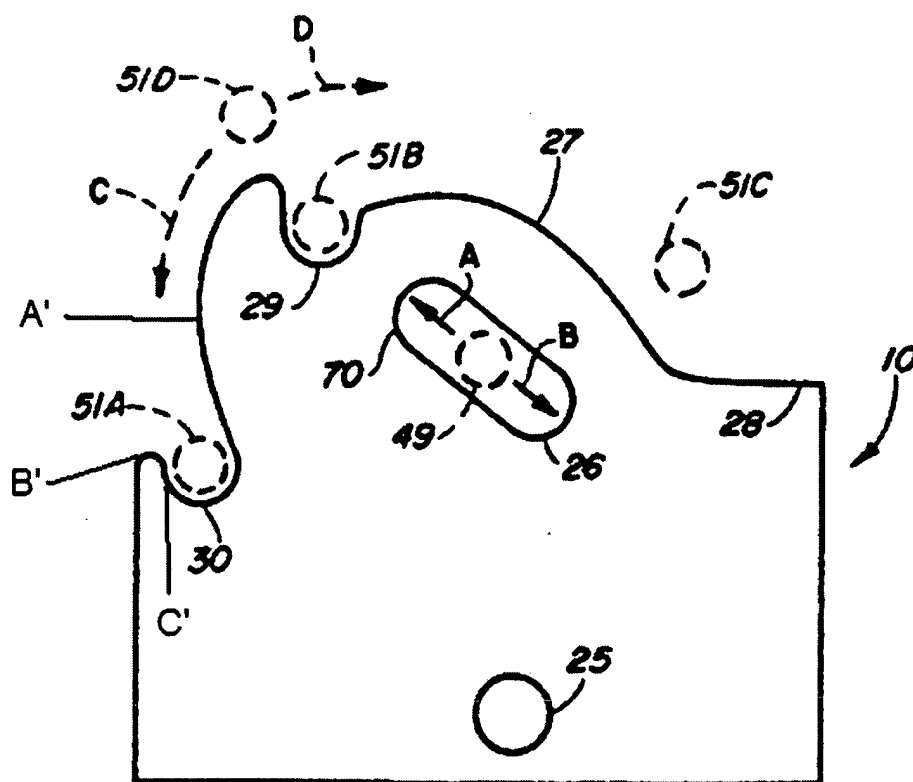
13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 2 above, and further in view of Miller. The disclosed prior art, modified by Roberts, does not show the bottom surface of each cover as being a reflective surface. Miller teaches a reflective bottom surface (27a) on covers above containers of food (see lines 20-23, page 2, column 2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior art and Roberts to include reflective surfaces on the bottom of each cover as taught by Miller in order to see the contents of the pans more easily.

14. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art as applied to claim 6 above, and further in view of Canfield. The disclosed prior art does not teach a curved guide surface, a horizontally extending guide opening, a support portion at a lowest portion of the guide surface, or a



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front protrusion opposite the guide surface. Canfield teaches providing a bracket (10) with a curved guide surface (A'), a linear and relatively horizontal extended guide opening (26) for guiding one of the hinge axes, a support portion (30) which is disposed at the lowest portion of the guide surface and a front protrusion (B') connected to the support portion and opposite to the guide surface. It would have been obvious at the time of invention to one skilled in the art to modify the disclosed prior art to use the bracket as disclosed by Canfield in order to improve the ease of opening the cover.

*FIG. 6**Canfield, Figure 6*

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15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Canfield as applied to claim 10 above and further in view of Shimizu et al. Canfield teaches providing a bracket (10, best seen in Figure 6) with a front protrusion (B') provided with a slant surface (C') and formed on a side of the front protrusion facing the guide surface (A'). Neither the disclosed prior art nor Canfield discloses an impact absorbing material. Shimizu et al. teach adding an impact absorbing coating (3) to a body (1) for the purpose of alleviating shock. It would have been obvious to one of ordinary skill in the art at the time of invention modify the device of the disclosed prior art and Canfield by adding an impact absorbing surface as disclosed by Shimizu et al. to the bracket in order to protect the bracket and hinge members from damage upon accidental collision.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Woo, Torney and Mangini et al. show refrigerated cabinets. Beller, Itzigson, Kufner, Nyquist, Peremi, Buehler and Wigell show bracket hinges. Squire shows a refrigerated cabinet with a bracket hinge. Banicevic et al. and Wolanin show plate-reinforcements of door hinges. Winfield discloses a shock-absorbing coating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nch

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Lanna Mai", written in a cursive style.